

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD L. MITCHELL,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,
Defendants.

Case No.: 2:18-cv-00646-RFB-EJY

ORDER

Pending before the Court is Plaintiff's request to take depositions as stated in his Response to Defendant's motion to conduct Plaintiff's deposition. *See* ECF No. 77. The Court has considered Plaintiff's request and Defendant's Response. ECF No. 81.

The statute addressing *in forma pauperis* proceedings by a prisoner does not contain any provision for payment by Defendant or the Court of fees or costs associated with discovery. *See* 28 U.S.C. § 1915; *Dujardine v. Michigan Dept. of Corrections*, Case No. 1:01-cv-701, 2009 WL 3401172, at *1 (W.D. Mich. Oct. 19, 2009). Despite this limitation Plaintiff requests to take eight depositions, seven of which would require issuing subpoenas and service of process. All eight depositions would require the appearance of a court reporter and preparation of a transcript. Plaintiff does not explain how he would pay for service of process, a court reporter or preparation of a transcript. Plaintiff also fails to identify six of the individuals he seeks to depose.

Plaintiff has the right and ability to conduct discovery at no cost, other than postage, that should yield him substantial information. *Klinge v. Eikenberry*, 849 F.2d 409, 412, n.1 (9th Cir. 1998). Plaintiff may issue written questions to Defendant through Interrogatories. Plaintiff may also issue Requests for Production of Documents to Defendant. Plaintiff may serve Defendant with Requests for Admissions. Plaintiff is directed to Federal Rules of Civil Procedure 33, 34, and 36 for an explanation of each of these discovery methods. However, Plaintiff's request to take depositions of six unknown individuals, seven individuals who must be served, as well as the deposition of Defendant will not be ordered by the Court.

1 Plaintiff may renew a request to take the deposition of Defendant Sergeant Miguel Garcia
2 *only* if he is able to explain how costs associated with the deposition would be paid and provides a
3 description of the subject matters he seeks to cover in such a deposition. The request to take seven
4 additional depositions is denied with prejudice.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's request to take depositions
6 appearing in his filing at ECF No. 77 is DENIED without prejudice as to Defendant Sergeant Garcia.

7 IT IS FURTHER ORDERED that Plaintiff's request to take seven additional depositions is
8 DENIED with prejudice.

9 DATED this 12th day of April, 2022.

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12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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